



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEUTSCHE BANK NATIONAL TRUST
COMPANY,

Plaintiff,

vs.

DANIEL COHEN, et al.,

Defendants.

CASE NO. CV 12-5964 UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily, because it was removed improperly.

On July 11, 2012, Defendant Daniel Cohen, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover, because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

There is no basis for concluding that Plaintiff could have brought this unlawful detainer action in federal court in the first place, in that Defendant does not competently allege facts supplying either diversity or federal question jurisdiction, and therefore, removal is improper. 28 U.S.C. § 1441(a); see *Exxon Mobil Corp v. Allapattah Svcs., Inc.*,

1 545 U.S. 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). The amount in controversy
2 does not exceed the diversity jurisdiction threshold of \$75,000. See 28 U.S.C.
3 §§ 1332, 1441(b). On the contrary, the civil cover sheet filed with the unlawful detainer
4 complaint asserts that the amount in controversy does not exceed \$25,000. Nor does
5 Plaintiff's unlawful detainer action raise any federal legal question. See 28 U.S.C. §§ 1331,
6 1441(b).

7 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
8 Court of California, Ventura County, 800 South Victoria Avenue, Ventura, CA 93009, for
9 lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send
10 a certified copy of this Order to the state court; and (3) that the Clerk serve copies of this
11 Order on the parties.

12 IT IS SO ORDERED.

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14 DATED: July 17, 2012

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16 Audrey B. Collins
17 AUDREY B. COLLINS
18 CHIEF UNITED STATES DISTRICT JUDGE
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